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ABSTRACT

This project examines the religious implications of an approach to "limmudei kodesh" (primarily the study of Talmud) and "halakhah" (an integration of academic scholarship with traditional Torah study and the evaluation of the educational pros and cons of a curriculum built on such a synthesis). In the concerted effort over the past century to develop a program of "Torah U-Madda" that synthesizes Torah and worldly pursuits, Torah scholars have endorsed the value of secular knowledge as a complimentary accoutrement to the "Talmud Torah" endeavor, but few have validated the application of secular academic tools and methodologies to Torah study or developed a model for such integrated Torah learning. The Torah scholar committed to synthesis seeks to employ historical knowledge and methodological tools in the decoding of halakhic texts as a means of contributing to the halakhic discourse. Traditional "Talmud Torah" does not address the realm of pesak halakhah, but it is nonetheless considered the highest form of religious expression. This project explores the expansion of "Talmud Torah" boundaries and the religious dimensions of such an expansion. The suggestion is that for students who question the applicability of halakhic practice to contemporary reality, an approach to Torah study that attempts to synthesize historical, academic scholarship with classical Torah learning has the potential to deepen appreciation for the richness and compelling authority of tradition by demonstrating that for 2000 years, halakhic Jews have been struggling with the same essential question: how to make ancient law meaningful to modern man. (Contains 43 references and 75 notes.) (Author/BT)

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The Religious Implications of an Historical Approach to Jewish Studies

by Rachel Furst

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The Religious Implications of an Historical Approach to Jewish Studies

by Rachel Furst

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2000–01

Hakirah or *Mehkar*:
The Religious Implications of an Historical Approach to *Limmudei Kodesh*

by Rachel Furst

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Project Description

Are scientific historical scholarship and traditional Torah study reconcilable? Does knowledge of history enhance appreciation of the overarching *halakhic* system or does it undermine it? Can the study of history contribute in any way to the religious endeavor? These questions have been debated since the founding of the "Science of Judaism" movement in nineteenth-century Germany but are of particular relevance to the contemporary Modern Orthodox community which defines *Torat Emet* as encompassing both historical, scientific truth and the truth of *mesorah*. This project will examine the religious implications of an approach to *limmudei kodesh*—primarily the study of Talmud and *halakhah*—that integrates academic scholarship with traditional Torah study and will evaluate the educational pros and cons of a curriculum built on such a synthesis.

Abstract

Torah scholars have long recognized the complimentary value of "secular" subjects to the *Talmud Torah* endeavor; indeed, *HaZaL*'s erudition in a wide range of disciplines is demonstrated throughout the Talmud. In the concerted effort over the past century to develop a program of *Torah U-Madda* that synthesizes Torah and worldly pursuits, Torah scholars have endorsed the value of secular knowledge as a complimentary accoutrement to the *Talmud Torah* endeavor; but few have validated the application of "secular," academic tools and methodologies to Torah study or developed a model for such integrated Torah learning.

The feasibility of synthesis between historical scholarship and traditional Torah study was at the forefront of the debate among leaders of the German Jewish community during the nineteenth and early twentieth centuries in the wake of the

Haskalah and the *Wissenschaft des Judenthums* ("Science of Judaism") movement which gave rise to Reform Judaism. In order to counter the Reformers, who were guided by the spirit of *Wissenschaft*, the defenders of tradition—both those in the "Historical School" and those in the Orthodox camp—were forced to address the challenges that scientific, historical study presented to traditional Judaism. The author utilizes the monographs of these thinkers to highlight the religious benefits as well as dangers of integrating history into the study of halakhic texts.

The Torah scholar committed to synthesis seeks to employ historical knowledge and methodological tools in the decoding of halakhic texts as a means of contributing to the halakhic discourse itself. The benefits of such an approach are certainly open to challenge from the religious perspective: What facets of Torah can historical tools uncover that classical *lamdanut* cannot? What is the price of introducing methods of research (along with their underlying assumptions) that are "foreign" to the world of Torah study?

Traditional *Talmud Torah* does not address the realm of *pesak halakhah*, but it is nonetheless considered the highest form of religious expression. This project explores the expansion of *Talmud Torah* boundaries and the religious dimensions of such an expansion. Accordingly, both objections to and endorsements of an integrated approach to Torah study will be examined on the basis of three criteria: (1) its consequences for *emunah* and *yirat shamayim* (2) its impact on halakhic worldview and potentially on halakhic observance, and (3) its implications for *Talmud Torah* as a religious endeavor.

The author suggests that for students who question the applicability of halakhic practice to contemporary reality, an approach to Torah study that attempts to synthesize historical, academic scholarship with classical Torah learning has the

potential to deepen appreciation for both the richness and compelling authority of tradition by demonstrating that for two thousand years, halakhic Jews have been struggling with the same essential question: how to make ancient law meaningful to modern man. An historical approach is thus compelling to students who would otherwise become frustrated with the traditional world of *Talmud Torah* because of its perceived irrelevance to their lives. This argument posits that the historical approach not only matches "traditional" learning in its religious undertaking, but actually surpasses the religious force of "traditional" learning in directly addressing students' theological concerns and their religious development.

Foreword

In the course of my university education in history and Jewish studies, I encountered an increasing number of primarily *yeshivah*-trained teachers of Torah who are turning to the university to supplement their own Torah education. Few intend to switch their teaching venue from the *yeshivah* to the university; but many desire the acquisition of academic tools and methodologies that they hope to implement in their own *yeshivah* classrooms. As Torah educators in day schools and post-high school institutions, these men and women have no intention of supplanting traditional, *yeshivah*-style Torah learning with academic study. Yet they believe that the utilization of academic tools and methodologies in their teaching of Torah will allow them to achieve educational goals that are not being met by traditional approaches.

Is this integration of academic scholarship and traditional Torah study as seamless as it sounds?

Aware that this trend was becoming a "hot topic" of debate in Torah education circles, I decided to explore this question in the context of my ATID research, not quite sure of where it would lead me. A student of history myself, I initially focused my investigation on the clash between the study of Torah and the study of history. As my research progressed, I realized that this was not a paper on the intersection of Torah and history but on the intersection of Torah and academic scholarship which is based on an historical understanding of the development of religion. And I realized that the concerns of those educators who opposed this new *derekh limmud* were not unfounded: the synthesis of academic scholarship and traditional Torah study is not seamless for a multiplicity of reasons.

Nonetheless, I became convinced that an approach to Torah learning which is able to integrate certain facets of academic scholarship with traditional study has powerful educational potential and may be able to achieve educational goals in areas where classical *limmud* seems to be failing. This paper, then, is an attempt to explore the religious and educational issues underlying an integration of this sort and to present a particular vision of what this new educational approach might accomplish.

Introduction

Despite the imperative in Deuteronomy 32:7—"Remember the days of old"—the study of history, even Jewish history, was not part of the curriculum in traditional religious schools in the "Old World," nor is it a part of the curriculum in more traditional institutions today. In addition to being a waste of time (*bittul Torah*), the study of history was undesirable because historical fact was often perceived to conflict with religious tradition.[1] Indeed, this dismissive and even contemptuous approach to history was embraced by traditional Jews throughout the Middle Ages.[2] In his commentary on Sanhedrin 10:1, Maimonides emphatically rejected the study of "secular" history as worthless:

> [These books] contain no wisdom and have no usefulness; they merely waste one's time with vain things. Examples are those books found among the Arabs, such as books of chronicles, and legends of kings, and genealogies of the Arabs, and books of songs, and similar books which contain no wisdom and have no material usefulness but are only a waste of time.[3]

In the introduction to his commentary on the Mishnah, Maimonides issued a disclaimer before presenting the *shalshelet ha-kabbalah*, the chain of tradition which linked the generations of Talmudic sages and accounted for the different schools of thought represented in the development of *halakhah*:

> And I saw it fit to present ten chapters before I begin the commentary, although they are of no real purpose to our present concern; nonetheless, it is worthwhile for one who desires thoroughness in his study of the Mishnah to be familiar with them. [4]

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[1] Even those who professed to support some version of "*Torah u-madda*," did not generally extend the definition of *madda* to include the humanities. See Aharon Lichtenstein, "Torah and General Culture: Confluence and Conflict," *Judaism's Encounter With Other Cultures: Rejection or Integration?*, Ed. J. J. Schacter (New Jersey: Jason Aronson, 1997): 242–47.

[2] See Yosef Hayim Yerushalmi, *Zakhor: Jewish History and Jewish Memory* (Seattle: University of Washington Press, 1982).

[3] Maimonides, Commentary to Sanhedrin 10:1. Translation from Fred Rosner, *Maimonides' Commentary on the Mishnah, Tractate Sanhedrin* (New York: Sepher-Hermon Press, 1981), 150.

[4] Maimonides, "Introduction to *Perush HaMishnah*," *Mishnah im Perush Rabenu Moshe ben Maimon: Mekor V'Targum*, ed. Yosef Kapah, vol. 1 (Jerusalem: Mosad HaRav Kook, 1963), 49. Translation mine.

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The RaMBaM's statement implies that even history which has direct bearing on our religious lives is of minimal value to *Talmud Torah*.

The spread of the *Haskalàh*, the Jewish enlightenment movement, in the late eighteenth and early nineteenth centuries elicited a new historical consciousness and positive attitude toward the study of history that eventually infiltrated Orthodox circles as well.[5] In today's Modern Orthodox yeshiva day schools, Jewish history is taught for a variety of reasons, among them the strengthening of religious commitment and/or of positive Jewish identity among students, the acquisition of perspective with which to view contemporary events, and the shaping of attitudes towards other segments of the greater Jewish community. The end goals of the Jewish history curricula used in these schools seem to coincide with precisely that which traditionalists feared that the study of history would undermine.[6] But even in these yeshiva day schools, the commitment to teaching Jewish history is based on its perceived supplementary value, and Jewish history is treated as a separate academic endeavor, designed to enrich students' Jewish consciousness but not necessarily to be integrated with the studies that form the core of their religious education, such as Talmud and Bible.[7]

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[5] See Yerushalmi, Chapter 4: "Modern Dilemmas."

[6] Within the *haredi* community, Rabbi Berel Wein and the Artscroll Press' popular history texts have actually been mobilized in the *interests* of tradtion.

[7] See Jon Bloomberg, "The Study of Jewish History in the Jewish Day School," *Ten Da'at* 6/1 (Spring 1992), 31-32, who states, in closing, that the Jewish history curriculum is designed "to enrich and enhance the Jewish educational experience of the day school student." In his doctoral dissertation on the teaching of Jewish history in yeshiva high schools, David Bernstein does note that individual history teachers included among their educational objectives the honing of skills which would carry into other *limmudei kodesh* classes (namely Talmud); however, this was portrayed as a questionable motive in that it seemed to devalue the study of history for its own sake. See, for example, David I. Bernstein, "Two Approaches to the Teaching of Jewish History in Orthodox Yeshiva High Schools," PhD. diss. (New York University, 1986), 143. It may be noted that the discussion focused on the use of Talmudic sources and skills in the study of history and not vice versa. At the time of Bernstein's study, the Yeshiva University High School for Girls did incorporate Jewish history into their ninth and tenth grade "Prophets" curriculum (although the extent of implementation was, as always, dependent on individual teachers); however, the apparent result was the absence of historical methodology from the history course, not the integration of historical methodology into the Bible course. See "Two Approaches," 112–113.

One model of an integrated curriculum, which has been developed primarily in the academic world, seeks to employ Talmudic and subsequent halakhic texts as historical source material, mining the legal codes for detail that will open doors to the religious, political, and communal worlds of ancient, medieval, and early modern Judaism. While fascinating and rich with scholarly potential, the main beneficiary of this approach is the historian.[8] The type of integrated approach that interests the Torah scholar originates from the opposing perspective: his goal is to utilize history to illuminate the field of *halakhah*. The Torah scholar seeks to employ historical knowledge and methodological tools in the decoding of halakhic texts: ultimately, history contributes to the halakhic discourse itself.

The benefits of such an approach to the *Talmud Torah* endeavor are certainly open to challenge: What facets of Torah can historical tools uncover that the tools of classical *lamdanut* cannot? What are the ramifications of introducing methods of research (along with their underlying assumptions) that are "foreign" to the world of Torah? An integrated approach to Torah study that seeks to synthesize academic, historical scholarship with classical, *yeshivah*-style Torah learning is not synonymous with the approach that we call "*Torah U-Madda*." The *Torah U-Madda* approach recognizes the complimentary value of "secular" knowledge to the *Talmud Torah* endeavor; but it does not validate the application of "secular" tools and methodologies

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[8] This field of study, often called "history of *halakhah*," has been developed in recent years by Professors Yaakov Katz and Haym Soloveitchik, among others. Some historians have argued that throughout the Middle Ages, when Jewish historiography was all but non-existent, the major genre of Jewish historical writing was, in fact, the history of *halakhah*. See Amos Funkenstein, *Perceptions of Jewish History* (Berkeley: University of California Press, 1993), 10–11 and 16–17, who distinguishes between traditional historiography and historical consciousness, arguing that "though historiography hardly existed in the traditional Jewish literature . . . a modicum of historical awareness existed nonetheless elsewhere—namely in the domain of legal reasoning . . . In the realm of halakha, every 'event' was worthy of preserving." Robert Chazan has suggested that in the absence of papacy and fixed religious hierarchies, *halakhah* was one of the few institutional "pegs" on which Jews could hang their histories. Robert Chazan, "Medieval Jews and Their Historical Writings: Timebound and Timeless Objectives," New York University Medieval and Renaissance Studies Program, lecture, New York City, 23 February 2000.

to Torah study. As Shalom Carmy has pointed out, "justifying certain aspects of the academic enterprise is not the same as providing a model for the interweaving of modern scholarship in the fabric of Talmud Torah."[9]

Traditional *Talmud Torah* does not address the realm of *pesak halakhah*, but it is nonetheless considered the highest form of religious expression. This project explores the expansion of *Talmud Torah* boundaries and the religious dimensions of such an expansion. Accordingly, both objections to and endorsements of an integrated approach to Torah study will be examined on the basis of three criteria: (1) its consequences for *emunah* and *yirat shamayim* (2) its impact on halakhic worldview and potentially on halakhic observance, and (3) its implications for *Talmud Torah* as a religious endeavor.

The increasing number of Torah publications that have devoted articles to exploring the possibility, or impossibility, of integrating traditional Torah study and historical-critical scholarship[10] as well as recent conferences and *yemei iyyun* that addressed the issue[11] attest to the urgency associated with this dilemma in the Modern Orthodox *yeshivah* world. The literature that has been produced focuses primarily on defining the inherent differences between academic Talmud study and the traditional "*yeshivah*" approach to Torah learning and on the basis of the distinctions posited, questions whether synthesis is possible, and, if so, desirable.

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[9] Shalom Carmy, "*Camino Real* and Modern Talmud Study," *Modern Scholarship in the Study of Torah: Contributions and Limitations* (Northvale, NJ: Jason Aronson Inc., 1996), 191.

[10] See, for example, Menahem Kahane, "Talmud Research in the University and Traditional Learning in the Yeshivah" [Hebrew], *B'Hevlei Masoret U'Temurah*, ed. Menahem Kahane (Rehovot, Israel: Kivunim, 1990), 113–42; several articles in Shalom Carmy, ed., *Modern Scholarship in the Study of Torah: Contributions and Limitations* (Northvale, NJ: Jason Aronson Inc., 1996); and Chaim Navon, "Yeshiva Learning and Academic Talmud Research" [Hebrew], *Akdamot* 8 (December 1999), 125–143 and the responses by Michael Abraham, Yehudah Brandes, and Ephraim Oren that his article prompted in *Akdamot* 9.

[11] For example, the *yom iyyun* sponsored by Yeshivat HaKibbutz HaDati, Ma'aleh Gilboa, "*Kolot Hadashim V'Yeshanim B'Beit HaMidrash*," Jerusalem, March 29 2001 (5 Nissan 5761).

The feasibility of synthesis between academic, historical scholarship and traditional Torah study was at the forefront of the debate among leaders of the German Jewish community during the nineteenth and early twentieth centuries in the wake of the *Haskalah* and the *Wissenschaft des Judenthums* ("Science of Judaism") movement which gave rise to Reform Judaism. Their monographs are helpful in highlighting the religious benefits as well as dangers of integrating history into the study of halakhic texts in particular. Utilizing the proposals and critiques of the German Orthodox intellectuals—among them Zekhariah Frankel, Shimshon Raphael Hirsch, and Azriel Hildesheimer—we can identify considerations that should be taken into account when weighing the value of an integrated approach to *limmudei kodesh* for a variety of student populations. The questions that they were debating are very similar to our own, and therefore, the arguments advanced by these nineteenth century scholars, both in favor of and in opposition to an historical approach to traditional sources, will be of value in framing our current analysis.

Before delving into the central questions that this paper sets out to address, it is worth pausing to define an "academic" or "historical" approach to Talmud and halakhic texts and the way in which it differs from traditional Torah study. In reviewing the scholarly contributions of Professor Shaul Lieberman, E. S. Rosenthal proposed that historical textual scholarship is characterized by its spheres of investigation:

> On three things does all philological-historical exegesis rest: on the textual version (*nusah*); on the language (*lashon*); and on the literary and historical context as one. These are the foundations, which, only after they have been established, can [one] hope to move beyond—on this basis and in this order, specifically—toward the meaning, the sense, the *logos* of the creation.[12]

[12] E. S. Rosenthal, "HaMoreh" [Hebrew], *Proceedings of the American Academy for Jewish Research* 31 (1963): 15. Translation mine. For an explanation of how these tools are applied to the text and what each contributes to the scholarly endeavor, see Kahane, 116–20.

In the context of this paper, an "historical approach" refers not only to using academic historical tools, such as manuscript variants and literary constructs, but also to approaching the texts with questions of an historical nature: Who was the author of this text? When and where was this text composed? Are historical elements discernable in its content or structure? Has the text been preserved in its original form or is possible to distinguish layers of editing? To what extent did the context shape the way in which the material is presented? The understanding that underlies an historical approach is that the halakhic corpus is the product of the intersection between law and reality, rather than a collection of legal theories composed in a vacuum. An historical approach does not only prompt the scholar to scan the text for evidence of historical influences but also equips the scholar with sensitivities that may hold the key to understanding the text—in this case, the halakhic document—on its own terms.

The *derekh limmud* presented in the course of this paper is an integrated approach to Torah learning which utilizes academic, historical tools and methodologies as well as traditional *klei limmud*, and thus attempts to synthesize historical, academic scholarship with classical Torah study.

Historical Models

The notion of attempting to synthesize historical research with traditional Torah study has its roots in the *Wissenschaft des Judentums* movement which arose among young, German Jewish intellectuals during the 1810s and 1820s. The development of a "Science of Judaism" was motivated both by the desire to improve the image of the Jew in the eyes of the Western world (in the hope that this would justify and further the Emancipation) as well as by the desire to repair the Jew's self-image which had increasingly come under attack by modern culture. In effect, the

new scholarship also served to fuel the religious reforms promoted by this intellectual elite who, in accordance with their *Wissenschaft* goals, sought to Westernize and modernize their religious practices. Among the primary objectives of the *Wissenschaft* scholars in their focus on historiography was, in fact, justification of the religious reforms they sought to implement.[13] Thus, Abraham Geiger's studies on ancient *halakhah*, Jewish sects, language of the Mishnah, and medieval biblical exegesis all explored the theme of Judaism's internal evolutions. On occasion, Geiger even lapsed into contemporary polemics in the context of his historical scholarship.[14]

In order to counter the Reformers, who were guided by the spirit of *Wissenschaft*, the defenders of tradition—both those in Zekhariah Frankel's "Historical School" and those in the Orthodox camp—were forced to address the challenge that scientific, historical study presented to traditional Judaism. Opponents of the Reform Movement rallied around three major figures: Zekhariah Frankel, who inspired the "Positive Historical" school, commonly considered the precursor of the American Conservative Movement; Samson Raphael Hirsch who represented the "Neo-Orthodox," celebrated for promoting the doctrine of "*torah im derekh erets*"; and Azriel Hildesheimer, spokesman for the "modern" Orthodox, whose hallmark was the espousal of Orthodox academic scholarship. Each of the factions viewed themselves as centrist: Frankel and his followers saw themselves as the traditional, yet dynamic bridge between the irreverent Reformers and the unyielding Orthodox; Hirsch and his supporters considered themselves the God-fearing, yet modernity-

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[13] Benzion Dinur, "Wissenschaft des Judenthums," *Encyclopaedia Judaica* 16 (Jerusalem: Keter Publishing House, 1972), 578–79: "All the factions in the polemics on religious reforms sought to find support in historical research: either to prove that non-organic and "incidental" strata had been added to the basic structure of Judaism according to time and place, and these should be rejected; or out of a desire to preserve the integrity of historical Judaism and its continuity while accepting the principle of evolution within it and historical change as a fact; or by explaining by means of historical research the changes within the framework of Judaism which was itself stable and immutable."

[14] Ibid., 574.

conscious "new" Orthodox who reconciled conventional religion with modern sensitivities; Hildesheimer and the faculty of the *Rabbinerseminar* he founded in Berlin perceived themselves to be the faithful, yet scientifically conscious link between time-honored faith and contemporary understanding of truth.

The responses which have direct bearing on the current debate over synthesis in the Modern Orthodox world are, not surprisingly, those formulated by Hirsch and Hildesheimer: Frankel's thought has been rejected by the Modern Orthodox due to its retrospective association with Conservative Judaism. However, for purposes of contrast, it is worthwhile examining all three approaches to the possibility of intellectual synthesis and their implementation in the educational institutions founded by these leaders. The following analysis will examine each school's attitude toward a synthesized *derekh limmud* on the basis of its religious implications in the spheres of (1) *emunah*, (2) halakhic observance, and (3) *Talmud Torah* as an independent religious endeavor.

Zekhariah Frankel

Zekhariah Frankel (1801–1875) and his followers embraced the new historical consciousness and academic methodologies developed by the *Wissenschaft* scholars in their attempt to promote "scientific" study of Judaism. Frankel indeed perceived the *Wissenschaft* approach as an innovative departure from centuries of brilliant but severely limited Torah scholarship. Contrasting classical Torah scholarship with the products of *Wissenschaft*, Frankel wrote:

> The results [of classical Torah study] were not the product of unrestricted study, which rises above the whole, and concentrates on the concepts of the spirit. Rather, this [classical] study was bound by fixed and defined borders that with time became narrower and narrower because of accepted beliefs. At the end, study became purely an activity of explanation and justification. How different is the scientific research of our day! This research isn't just another stage in a long chain of previous results. It seeks to operate with freedom

> regarding its source. Critical examanation demands the power to go back to the foundations in every realm, to see things in its own eyes, and to give its verdict on the basis of its own judgement.[15]

Turning his vision into reality, Frankel founded the *Juedisch-theologisches Seminary* in Breslau in 1854, with the goal of training rabbis who were proficient both in classical Torah learning as well as in the new methodologies and spheres of "scientific" research. Frankel's rabbinical seminary soon employed the historian Heinrich Graetz, and Frankel himself pursued scholarship on the Talmudic era that was historical in nature. His seminal work, *Darkhei Ha-Mishnah*—a history of the development and codification of the Oral Law—elicited fervent debate among the leaders of German Orthodoxy due to the critique that its historiography leveled at traditional conceptions of the *mesorah*.

In his scathing review of *Darkhei Ha-Mishnah*, the Orthodox traditionalist Tsvi Binyamin Auerbach outlined three principal objections to an historical approach to the study of halakhic texts, two of which correspond to our categories of inquiry: (1) It is heretical in that it challenges the traditional belief in *mesorah* as expounded by *HaZaL*; and (2) It undermines the authority of the system and makes it easier to dispense with individual *halakhot* by attributing *halakhah* to *HaZaL*, i.e. human beings, rather than to *Torah Le-Moshe Mi-Sinai*, i.e. the Divine.[16]

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[15] Zekhariah Frankel, "On the Reforms to Judaism," *Zacharias Frankel and the Beginnings of Positive-Historical Judaism* [Hebrew], ed. Rivka Horwitz (Jerusalem: The Zalman Shazar Center, 1984), 64. Translation mine.

[16] Tsvi Binyamin Auerbach, *Ha-Tsofeh al Darkhei Ha-Mishnah* [Hebrew], Frankfurt am-Main, 5621. Auerbach's third objection related to the practical ramifications that such an approach would have on *pesak halakhah* and on the form of halakhic observance, an important issue which, as noted earlier, cannot be treated in the context of this paper.

Although Frankel himself declined to respond formally to his critics, feeling that they were prejudiced against him, an analysis of his other writings suggests what his responses to these challenges might have been.[17]

With regard to *emunah*, Frankel insisted that the scientific, historical approach did not challenge the principles of traditional faith but rather allowed for them to remain at the forefront of modern man's Jewish identity:

> The reform of Judaism isn't a reform of *emunah* but of the practical *mitzvot*. These continue to live in the heart of the nation and influence it. It isn't our task to weaken this influence, but rather, to fortify it.[18]

Yet in claiming that human involvement in the development of *halakhah* is precisely that which infuses the law with sanctity, Frankel tread a thin line between emphasizing the role of creativity in the halakhic process and denying a principle of faith, namely the divinity of the Oral Torah. In retort to Frankel's terse refusal to respond to critique of *Darkhei Ha-Mishnah*, Hirsch asserted that Frankel

> does not say in his writings that the Tradition does not exist or that it has no foundation. . . . However, he does say in his writings that Tradition is merely something that has been transmitted, not something originally received. The first to hand it down were those who had explored and invented it. He does not deny *mesorah* (the process of transmission); but he does deny *kabbalah* (the manner in which it was originally received), the idea that *Moshe Kibbel Torah Mi-Sinai*.[19]

Owing to to his questionable formulation of this *ikkar ha-emunah*, Frankel came under attack for neglecting the spiritual education of his students—"I know with absolute certainty that he does not worry at all about the religious belief of the Seminary students, this does not concern him," Hildesheimer charged in a letter to a

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[17] Zekhariah Frankel, "A Defense of the Book *Darkei Ha-Mishnah*," in Rivka Horwitz, *Zacharias Frankel and the Beginnings of Positive-Historical Judaism* [Hebrew] (Jerusalem: The Zalman Shazar Center, 1984), 126–27.

[18] Zekhariah Frankel, "The Debate Over the Hebrew Language at the Second Rabbinical Council," in Rivka Horwitz, *Zacharias Frankel and the Beginnings of Positive-Historical Judaism* [Hebrew] (Jerusalem: The Zalman Shazar Center, 1984), 102.

[19] S. R. Hirsch, "On Dr. Frankel's Statement," *Samson Raphael Hirsch, The Collected Writings*, Vol. 5: Origin of the Oral Law (New York: Philip Feldheim, Inc., 1988): 309.

colleague[20]—and for assigning primacy to practice over faith— "You will never be content with their principle," Hildesheimer warned a friend. "'What I believe is an issue of no relevance, only what I do is of import,' as if to say, sanctity of action, and nothing more."[21] Students of the Breslau seminary in later years conceded that—perhaps as a result of Frankel's spiritual neglect, or perhaps in response to the implications of his scholarship—a growing number of his students actively questioned the divinity of the Oral Torah.[22]

Regarding the implications of Frankel's approach for halakhic observance, Gottleib Fischer, whose review of *Darkhei Ha-Mishnah* was published by Hirsch in the periodical *Jeshurun*, insisted that such a heretical theological position could only result in the abandonment of Torah in practice:

> Now if one accepts the teaching of your Principal that the various explanations of the Law did not originate from God but came from the men of the *Anshei Knesset Ha-Gedolah*, who will listen to you and, in our day and age, be willing to desist on the Sabbath from such activities as *Borer Pesolet Mi-Tokh Okhel*, from writing out two letters, or from carrying in *Reshut Ha-Rabbim* objects that are not heavy in the least? After all, these activities are not even expressly forbidden by the Written Law.[23]

Indeed, when approached by members of the Trier community about the permissibility of appointing a graduate of the Breslau seminary to the position of *Rav Ha-Kehillah*, Hildesheimer's major objection was on the grounds that Breslau

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[20] Azriel Hildesheimer, "Rabbi Azriel Hildesheimer *z"l* on Rabbi Zekhariah Frankel *z"l* and the Rabbinical Seminary in Breslau" [Hebrew], *Ha-Maayan* (5713), 68. Translation mine.
[21] Hildesheimer, "Rabbi Azriel Hildesheimer," 66.
[22] Hildesheimer, "Rabbi Azriel Hildesheimer," 72.
[23] G. Fischer, "To all Friends of Truth and of Our Jewish Future," *Samson Raphael Hirsch, The Collected Writings*, Vol. 5: Origin of the Oral Law (New York: Philip Feldheim, Inc., 1988): 226. This contention is similar to Auerbach's second critique, that an historical approach would undermine the authority of the *halakhah* and make it easier for laymen to dispense with individual *halakhot* but distinct from Auerbach's third critique which addresses the role of manuscript variants and historical fact in official halakhic decision-making.

musmakhim were known to be lenient in their observance of *halakhot* of rabbinic provenance.[24]

The strength of Frankel's approach was that it did not require him to distinguish between layers of truth: to Frankel, truth discovered through learning was meant to inform practical observance. He insisted that all reforms be grounded in "science;" his grievance with Geiger's Reform Movement was that the changes its leaders sought to implement were not grounded in learning and, as such, did not live up to their own proclaimed standards of truth:

> There is one more tenet that requires protection, that of science. It must be the basis of any reform. But science can be obtained only by a positive basis, since it alone marks the path towards modernity.[25]

Frankel was rejected by the Orthodox for his unabashed desire to use learning as a basis for reform. But all Orthodox scholars thereafter who embraced a scientific, historical approach to Torah learning would be hard-pressed to resolve the occasional clash between halakhic observance and the "truth" they derived through intellectual inquiry.

Samson Raphael Hirsch

Samson Raphael Hirsch (1808–1888), representative of the strictly traditionalist approach, viewed *Wissenschaft* and its methodological tools as essentially dangerous to religion and opposed any concession to *Wissenschaft* ideas. Hirsch and his supporters were vehement in their attacks not only against the burgeoning Reform Movement, but also against Frankel and the members of his Breslau seminary, themselves opponents of Reform. Hirsch's opposition was both theological and practical: he considered the adherents of Frankel's "Historical

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[24] Hildesheimer, "Rabbi Azriel Hildesheimer," 73.
[25] Frankel, "The Debate Over the Hebrew Language," 102.

School" heretics who denied the divinity of the Oral Torah and reformers who were willing to dispense with *halakhah* on the basis of their academic inquiry.

Whereas Frankel viewed human involvement in the development of *halakhah* as precisely that which infuses the law with *kedushah*, Hirsch and his followers believed that to remove the Divine element was to strip the *halakhah* of all sanctity. If the Written Torah alone was God-given and the Oral Torah was entirely the product of human endeavor (albeit with God's sanction), then, Hirsch asserted, one is under no obligation to accept the ongoing authority of *HaZaL*: "We could then, just like these earlier authorities, sit down ourselves and interpret the Law in accordance with our own views and consider our interpretations binding upon our own generation."[26]

Ironically, given that we have identified systematic integrity as the strength of Frankel's approach, Hirsch's major objection to Frankel's scholarship was what he regarded as the bifurcation of truth. He did not believe it possible to remain an Orthodox, God-fearing Jew, while studying God's Torah with a scientific methodology that led one to conclusions which contradicted the very basis of belief:

> There can be only one truth. That which is true by the standards of dogma must be true also according to the standards of scholarship, and, conversely, that which scholarship has exposed as falsehood and delusion cannot be resurrected by dogma as truth. If the results of scholarly research have convinced me that the Halachah is the comparatively recent creation of the human mind, then no dogma can make me revere Halachah as an ancient, Divinely-uttered dictate and allow it to rule every aspect of my life.[27]

Hirsch did not believe that an historical approach was possible within the guidelines of *ikkarei ha-emunah*.

Looking around him at the proponents of *Wissenschaft*, many of whom did, indeed, seek to reform the practical observance of Judaism, Hirsch became convinced

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[26] Hirsch, "On Dr. Frankel's Statement," 312.
[27] Hirsch, "On Dr. Frankel's Statement," 312.

that in this realm, too, there was no compatibility between modern scholarship and a Torah lifestyle:

> What does the practicing Jew want with this modern learning? He would have to bring his whole domestic and civic life to a standstill, or rather, at any rate for the time being, let it become exceedingly lax, open his business, throw kosher and trefa overboard, etc. He would have to take the *Tanach* and the *Shulchan Aruch* out of his children's hands, in order first to examine critically whether all this is really divine commandment and holy duty. . . [28]

But given Hirsch's openness to secular studies and modern intellectual sensibilities as reflected in his own biblical commentary and in his writings on *Torah im derekh erets*, it is questionable whether the vehemence of Hirsch's objection to *Hokhmat Yisrael* was not primarily circumstantial, a response to the anti-rabbinic overtones of *Wissenschaft* in his own day.[29] It is not entirely clear whether, in this area, Hirsch accused *Wissenschaft* of guilt by association alone, or whether he believed that laxity in observance was a necessary by-product of modern scholarship. He certainly believed that *Wissenschaft* would engender lackluster observance. As he articulated in his monograph, *Judaism Eternal*:

> Has this new science really probed to its depths the speech of the world of God, the language of our ancestors, and brought to light the genuine and eternally valid conceptions of the Jewish spirit embodied in it? For then, indeed, our sons and daughters might with avidity turn to this language for their own world of ideas and sentiments; they might feel a longing to develop their spiritual life from its roots and with the breath of its spirit; then they might mould their outlook by its very vocabulary and learn to think and feel Jewish. . . . It has not done nor attempted anything of all this. . . . Among all the living currents of genuine Judaism, who in the wide world would have anything to do with this Jewish science; what living section of much-divided Jewry would

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[28] Samson Raphael Hirsch, *Judaism Eternal: Selected Essays from the Writings of Samson Raphael Hirsch*, vol. 2, translated by I. Grunfeld (London: The Soncino Press, 1956), 289.

[29] See Mordecai Breuer, "Three Orthodox Approaches to *Wissenschaft*" [Hebrew], *Jubilee Volume in Honor of* Moreinu Hagaon *Rabbi Joseph B. Soloveitchik*, ed. Shaul Israeli, Norman Lamm, and Yitzchak Raphael, vol. 2 (Jerusalem: Mosad HaRav Kook, 1984), 856. Shnayer Leiman suggests that Hirsch's view of *derekh erets* was, in fact, broader than Hildesheimers', despite the former's opposition to *Wissenschaft*. See Shnayer Z. Leiman, "Rabbinic Openness to General Culture in the Early Modern Period," *Judaism's Encounter With Other Cultures: Rejection or Integration?* Ed. J. J. Schacter (New Jersey: Jason Aronson, 1997), 209.

adopt this science as its companion through life and as the teacher and moulder of its youth?[30]

Hirsch predicted that *Wissenschaft* would never become popular enough to earn the status of "*ve-hagita bo yomam valaylah*" because in practice, he could not imagine such scholarship engaging the nation: "We cannot see them looking upon and enjoying this study in the same way that our own grandfathers looked upon and enjoyed the intellectual labor, the '*lernen*' of their time."[31] His articulation of the religious value of *Talmud Torah* was not, however, an endorsement of classical *Torah le-shma*. Hirsch's major objection to *Wissenschaft* was its incapability of transmitting the spirit of Torah as a guiding principle.

In his periodical *Jeshurun*, Hirsch published articles by Gottleib Fischer who adopted a harshly rejectionist posture and advocated a return to traditional *hinukh*:

> There is only one cure for our era which is, alas, so sick, and that cure is the proper study of Talmud as in the days of old. Only then will we recognize the outrageous work of the revilers of Torah; only then will we realize the disgraceful false premises of all those who, from behind the mask of scholarship dare to seek, by their criticism, to destroy the God-given Torah. . . . Let us dedicate our lives to produce, once again, sons reared "upon the knees of Torah and *yirah*," sons who will be thoroughly familiar with our sacred religious literature—both the Written and Oral Torah. Then we will be able to overcome ignorance with knowledge and falsehood with truth.[32]

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[30] Hirsch, *Judaism Eternal*, 285-89.
[31] Ibid., 283.
[32] R. Gottlieb Fischer, "An Epistle To all Friends of Truth and of Our Jewish Future," 213.

Branding both the *Wissenschaft* movement and Frankel's "Historical School" heretical and uncommitted to halakhic Judaism, Hirsch and his supporters identified the scientific approach to Torah texts as the source of their failure. Consequently, the Hirscheans strongly opposed scientific, historical study of Torah and insisted that such scholarship was irreconcilable with traditional Jewish faith and observance.

Azriel Hildesheimer

Though he too was a vocal opponent of both the Reform Movement and Frankel's "Historical School," Azriel Hildesheimer (1820–1899) parted ways with Hirsch when it came to *Wissenschaft* and its potential for integration into the world of *Talmud Torah*. After serving as rabbi in Eisenstadt where he encountered harsh opposition from the right-wing Hungarian rabbinate for his openness to secular studies and to other trappings of modernity, Hildesheimer accepted a position in the Adass Jisroel congregation in Berlin. There, in 1873, he realized a long-anticipated dream and founded the first Orthodox rabbinical seminary in Germany. In his inaugural address, Hildesheimer declared his support for the pursuit of Jewish knowledge beyond the realm of traditional *Talmud Torah*:

> It is impossible that the desire for knowledge in one field of learning should not bridge the gap to other branches of knowledge, and since, as we say in our evening prayers, Jewish knowledge constitutes "our life and the length of our days," it would be impossible that this idealism should not also throw its anchors into other waters of the intellectual ocean.[33]

Despite their scholarly inclinations, Hildesheimer and his disciples were unwavering in their belief in the unity of the Written and Oral Torah.[34] It was their

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[33] "*Rede zur Eröffnung des Rabbiner-Seminars*," as quoted in Marc B. Shapiro, "Rabbi Esriel Hildesheimer's Program of Torah u-Madda," *The Torah U-Madda Journal* 9 (2000): 76–86.

[34] In the opening paragraph of his scholarly work on the oral tradition, in which he traced the different stages in the formulation of the Mishnah, Hildesheimer's student and successor David Tsvi Hoffmann did not fail to assert the unity of Written and Oral Torahs: "If we then speak of a Written Law (*Torah shebikhtav*) and an Oral Law (*Torah shebealpeh*), we mean by this one-and-the-same Divine Law which has been taken in part from God's word as fixed in writing, and in part from the oral instruction

commitment to this *ikkar ha-emunah* which distinguished the Berlin approach from that of Zekhariah Frankel. Unlike the Hirscheans, however, Hildesheimer and his followers did not shy away from academic scholarship, and, in fact, believed that "scientific" investigation served to affirm traditional claims. In his analysis of the Orthodox responses to *Wissenschaft*, Mordechai Breuer emphasizes that Hirsch and the Hildesheimer followers shared dogmatic suppositions and that their differences lay solely in willingness to make use of *Wissenschaft* research and to engage in scholarly dialogue with the *Wissenschaft* intellectuals.[35]

Hildesheimer and the faculty of his *Rabbinerseminar* believed it was essential to present their students with a theology that was compatible with contemporary standards of truth and did not dispute modern scholarship. They recognized value in the scientific methodologies developed by *Wissenschaft* because they perceived that these tools could be utilized in transmitting the truth of tradition to the modern generation. Outlining an educational program for the students of his seminary, Hildesheimer asserted:

> Since the last half-century there has been an entirely new outpouring of Jewish *Wissenschaft*, as well as the need to explore other areas cultivated from time immemorial, such as biblical exegesis, from new points of view and with the use of unfathomed new sources. We will incorporate these disciplines into our curriculum and embrace them with love and full scientific seriousness, and thus serve truth and only the truth. Should we be more apologetic due to the nature of our point of view, we will never dishonor our holy cause by setting forth the phrase instead of the thought, the subjective opinion instead of the established proof. This state of mind, as I described it to you just now, is the basic element of the building we are establishing; these should be the mark-stones within which we move.[36]

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of the teachers of the tradition." See R. David Z. Hoffmann, *The First Mishna and the Controversies of the Tannaim*, Translated by Paul Forchheimer (New York: Maurosho Publications, 1977), 1. See also the introduction to Hoffmann's commentary on *Sefer VaYikra*.

[35] Mordecai Breuer, "Three Orthodox Approaches," 860.

[36] Shapiro, "Rabbi Esriel Hildesheimer," 82–83.

From an educational perspective, Hildesheimer was additionally of the opinion that students' exposure to academic scholarship was inevitable and that it was safest for this encounter to occur within the walls of the *yeshivah*, where he and his faculty could address the challenges to tradition and guide students' responses.[37]

David Zevi Hoffmann (1843–1921), invited by Hildesheimer to teach at the Orthodox *Rabbinerseminar* in Berlin and later appointed dean of the institution, agreed with Hirsch in his renunciation of multiple truths but contended that the type of scholarly research being conducted by Frankel and his "Historical School" served to reinforce the tenets of belief rather than to undermine them. Thus, his response to the challenges of *Wissenschaft* differed fundamentally from the response of the condemnatory Hirscheans. In a lecture delivered at the opening of the Rabbinical Seminary's 1919 winter semester, Hoffmann asserted that *Wissenschaft* study was not a "necessary evil," but rather,

> Through serious scientific research carried out *le-shem shamayim*, Torah study can only be promoted and enriched. All concepts will be grasped with scientific clarity, much which is unclear will be illuminated by research, and numerous mistakes will be eradicated. The revealed truth cannot be in contradiction to the truths which have been researched by means of the human spirit, assuming these latter truths are truths of reality and not just hunches and suppositions. Rather the former [revealed truth] will be supported by the latter [discovered truth], and lead to full clarity and complete understanding.[38]

The weakness in Hildesheimer and Hoffmann's attempt at synthesis is that despite all of their assertions to the contrary, there are some cases in which conflict between tradition and academic scholarship, particularly in the field of history, is unavoidable. The Hildesheimer approach provided no guidance for one who

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[37] Ibid.
[38] Cited in Marc B. Shapiro, "Rabbi David Zevi Hoffmann on Torah and *Wissenschaft*," *The Torah U-Madda Journal* 6 (1995–96), 132.

encounters such a situation, other than to suggest that the scholarship in question must be faulty.

A Contemporary Outgrowth: David Weiss Halivni

More recently, David Weiss Halivni, whose method of Talmud study has been criticized for highlighting discrepancies between history and *halakhah*, has addressed the question of conflict between the outcome of academic scholarship and practical halakhic observance by proposing that one of the goals of an integrated historical-halakhic approach is to teach students to differentiate between layers of truth. Halivni suggests that there is a distinction between religious truth and historical truth and that both factor into our definition of *Torat emet*. "*Halakhah ke-Beit Hillel*" is our religious truth, for all of the reasons that practical *halakhah* was, indeed, established according to the tradition of *Hillel*; nonetheless, the Torah of *Shammai* is historical truth, and if one spent all his life learning the teachings of *Beit Shammai*, he would still be required to recite *Birkhot Ha-Torah*![39] Despite conflicts that may arise, Halivni continues to advocate an historical approach precisely because of the imperative to seek truth in Torah. In response to condemnation elicited by an article he wrote on the historical relationship between Midrash and Mishnah,[40] Halivni argued:

> The inviolability of Halakhah is a part of our Ani Maamin; no compromise is possible there, whereas the scientific method, by its very nature, is tentative and to some extent adjustable. Nevertheless, the commitment to historical study, and hence to the critical method underlying it, stems in principle from our basic moral integrity, no mean religious obligation—to pursue and follow truth to the best of our abilities. In the present scholarly climate critical study is the only way. Mankind has not devised a better means of getting at historical truth. Not to apply it to Halakhah would, by present standards, deflect

[39] This question is the subject of Halivni's yet-to-be-published book on *Torah She-beal Peh, Revelation Reclaimed*. I am grateful to Professor Halivni for discussing this issue with me and sharing some of his thoughts and theories.

[40] David Weiss Halivni, "The Early Period of Halakhic Midrash," *Tradition* 22/1 (Spring 1986) 37–58.

> from the belief that our Torah is not only a *Torat Hayyim*, but also a *Torat Emet*.[41]

Halivni deviates from the Hildesheimer model in conceding that the "scientific methodology . . . is tentative and . . . adjustable," in light of which he does not argue that academic scholarship will consistenty prove the truth of tradition but instead admits that occasionally, it will appear to contradict the transmitted *halakhah*.[42] Consequently, Halivni's approach differs from both the Frankel and Hildesheimer models by confining academic inquiry to the theoretical plane; and it addresses Hirsch's concerns regarding the bifurcation of truth by positing that there are multiple layers of *Torat Emet*.

Summary

In examining Frankel, Hirsch, and Hildesheimer's nineteenth-century approaches to the integration of academic scholarship in Torah study, we have demonstrated that there are three coherent responses to the challenges presented by a synthesized *derekh limmud*. In keeping with Frankel, it is possible to fully embrace integrated study, reforming our beliefs and halakhic practices in accordance with the results of our intellectual inquiry. This approach, however, is unacceptable in Orthodox circles, whose adherents are committed to traditional principles of faith and to the transmitted *halakhah*. Following the approach advanced by Hirsch, it is possible to reject scientific, historical scholarship entirely and to maintain that there is no possibility for integrating such scholarship in Torah study within the boundaries of halakhic, Torah-true Judaism. In accordance with Hildesheimer's model, it is also possible to endorse the integration of academic scholarship in Torah study and to

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[41] David Weiss Halivni, "Communications," *Tradition* 22/3 (Fall 1986) 93–94.

[42] This insistence on the part of the Hildesheimer camp was best expressed by Hoffman, as quoted above: "The revealed truth cannot be in contradiction to the truths which have been researched by means of the human spirit, assuming these latter truths are truths of reality and not just hunches and suppositions. Rather the former [revealed truth] will be supported by the latter [discovered truth], and lead to full clarity and complete understanding." Shapiro, "Rabbi David Zevi Hoffmann," 132.

utilize such scholarship to confirm and reinforce traditional beliefs and practices. These three models have broad implications for any attempt to integrate academic scholarship into the traditional *limmudei kodesh* curriculum. As such, they are of supreme relevance to the contemporary discussion and are worth bearing in mind as we move to an analysis of current arguments in opposition to and in favor of a synthesized *derekh limmud*.

Current Discussion of the Possibility of Integration

Nearly one hundred and fifty years have passed since the debates of Hirsch and Hildesheimer. Following a century of Modern Orthodox preoccupation with the ideal of *Torah U-Madda* (defined previously as distinct from the ideal of synthesis), the debate over integrating academic scholarship in the study of Torah has recently been renewed. The Modern Orthodox world itself is split on the issue, and even some advocates of *Torah U-Madda* have suggested that a synthesis of academic scholarship and traditional Torah study should be rejected because of its threat to basic principles of faith and to halakhic observance. On the other side of the debate, advocates argue that the Torah world is facing a crisis related to the quest for relevance and that an integrated approach may provide an answer. Not surprisingly, contemporary arguments echo those delineated by Hirsch and Hildesheimer. In the following section, we will outline and consider the contentions of both those who oppose the integration of academic methodologies and those who favor it.

Objections to the integration of academic scholarship in Torah study

Objections to an integrated academic approach can be grouped into three major categories: (1) its consequences for *emunah* and *yirat shamayim* (2) its impact on halakhic worldview and potentially on halakhic observance, and (3) its implications for *Talmud Torah* as a religious endeavor.

With regard to *emunah* and *yirat shamayim*, opponents of an integrated *derekh limmud* claim that many of the underlying assumptions inherent in a more academic approach threaten *ikkarei ha-emunah*, specifically the unity of the Written Torah and the Oral Torah,[43] and challenge the role of *hashgahah* in history.[44] Whether questioning the omniscience of *HaZaL* or demonstrating the role of local factors in the *pesak halakhah* of *hakhmei ha-dorot*, the inherent skepticism of an historical approach also jeopardizes *emunat hakhamim*, which, in the words of the RaMBaM, obligates us to "emulate their actions and believe the truth of their words" (*le-hiddamot be-ma'asehem u-le-ha'amin ha-amituyot mi-divreihem*). These objections recall those expressed by Hirsch.

An historical, academic approach to Torah study unquestionably focuses on the human factor in the halakhic process, and the view of *halakhah* through this lens has the potential to impact halakhic worldview and ultimately halakhic observance. Those who object to an integrated *derekh limmud* argue that attributing *halakhah* to *HaZaL*, i.e. human beings, rather than to *Torah Le-Moshe Mi-Sinai*, i.e. the Divine, undermines the authority of the *mesorah* and makes it easier to dispense with individual *halakhot*. An historical approach not only focuses on the central role of humans and humanity in the halakhic process but also differentiates between different layers of halakhic development. Opponents of this approach object to the presentation of *halakhah* in stages out of fear that it will encourage conscious, or even subconscious derision of *halakhot* deemed to be "later" innovations instituted by the

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[43] See the "Thirteen Principles of Faith" traditionally recited after the morning prayers, which are based upon Maimonides' *Commentary to the Mishnah*. The eighth principle states, "I believe with complete faith that the entire Torah now in our hands is the same one that was given to Moses, our teacher, peace be upon him." Translation according to the *Complete Artscroll Siddur*, New York: Mesorah Publications, Ltd., 1984.

[44] Even if we would not go so far as to teach that the *Shulhan Arukh* was written *b'ruah hakodesh*, teaching that the *Shulkhan Arukh* became a canonical text through historical coincidence challenges the belief that God has a role in history

Rishonim or *Aharonim* and not present in the Talmudic discussion itself.[45] These apprehensions are precisely the same as those expressed by Hirsch and his supporters in their condemnation of *Wissenschaft* and Frankel's "Historical School."

Opponents of synthesis argue that academic methodologies and assumptions are not compatible with the goals of *Talmud Torah* as a religious endeavor. Torah is dynamic, they emphasize, and the goal of learning is to advance Torah study, not to re-create the original. As such, the *Talmud Torah* endeavor is not really concerned with authorial intent, a hallmark of the historical approach. According to these objectors, what Abbaye and Rava actually said is of less relevance than what the *Rishonim* and *Ahronim* thought they said because their version is the one that stood up to the test of tradition ("*she-avrah et ha-masoret*"). In this respect, it is more worthwhile to learn the *Ketsot HaHoshen* than to learn R. Hai Gaon: the author of the *Ketsot* lived later, possessed a greater body of Torah knowledge and more advanced learning tools.

The same argument applies to the study of manuscript variants: Torah scholars are more interested in the printed version of the Talmud which is the cumulative result of all the Torah that filtered through the *batei midrash* of the *Rishonim* and the *gedolei ha-Aharonim* than they are in individual manuscripts which were lost for centuries and therefore did not continue to impact Torah scholarship. As Rabbi Zvi

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[45] This position has been expressed cogently in the publication *Tsohar*, in the exchange between Dror Fiksler ("*Harkhakot* Between Husband and Wife During the Time of *Niddut*" [Hebrew], *Tsohar* (Winter 5760): 21–35) and his respondents Rabbi Shlomo Levy ("Not *Humrot* But Basic Halakhic Definitions" [Hebrew], *Tsohar* (Summer 5760)) and Rabbi Hanokh Gamliel ("An Erroneous Presentation of Commitment to *Halakhah* and of the Dignity of Woman" [Hebrew], *Tsohar* (Winter 5761)) regarding the regulations of separation (*harhakot*) between husband and wife during the wife's *niddah* period. FikslеR.s original article outlined the development of *harhakot* practices and the accompanying halakhic discourse in chronological sequence, demonstrating the increasing stringency adopted by succeeding generations of scholars. Both R. Levy and R. Gamliel objected to the structure of FikslеR.s presentation because of its unstated claim that the *gemara* is more halakhically binding than the *Rishonim* or *Aharonim*, an approach that is reminiscent of Karraism or Reform and "is likely to mislead the reader into thinking that this has practical ramifications (*nafka mina*)." (Translation mine). In this respect, contemporary *kitsurim*, halakhic compendiums, follow the example set by the RaMBaM and the *Shulkhan Arukh* in presenting halakhic *p'sak* as uniform.

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Yehuda, a student of Rabbi Abraham Isaiah Karelitz (who was better known as the Hazon Ish), has asserted in the name of his teacher:

> Halakhah is rooted in current, ongoing reality and is neither shaken nor fortified by any evidence ferreted out from remote ages and places, 'What was, already was' (*mah she-haya kevar hu*; Kohelet 3:15). Halakhah looks forwards, not backward.[46]

In *Talmud Torah*, the primary concern is the normative, accepted text, i.e. the *Talmud Bavli*. Investigation of other traditions, such as the Tosefta or the Yerushalmi, which is central to academic scholarship, may be of value in clarifying the Bavli, but, nonetheless, it remains tangential to *Talmud Torah*, and time devoted to its study should be adjusted accordingly.[47]

Above all, there is a serious concern that academic methodology will not be able to transmit the spirit of *Torah*, the love of *Torah* that traditional learning embodies.[48] Indeed, in critique of the purely academic approach embraced by *Wissenschaft* scholars, Rabbi Yaakov Yehiel Weinberg (known as the *Seridei Esh*), who was the last dean of the rabinnical seminary in Berlin and who, in general, supported the integration of academic scholarship in *Talmud Torah*, wrote:

> Not seeking the Talmud's essential kernel, science busied itself only with the externalities. Like surgeons, they sliced up the Talmud as though it were a mummified corpse. He for whom the Talmud is a source of life, however, cannot be satisfied with this way. . . . This kind of science will never discover the key that will enable its entry into the enchanted palaces of the Talmud. It has failed to locate the Talmud's soul and has not recognized that the immanent core of the Talmud is none other than the perpetual striving to clarify fully and exhaustively each and every concept and to enable their future development.[49]

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[46] Zvi A. Yehuda, "Hazon Ish on Textual Criticism and Halakhah," *Tradition* 18/2 (Summer 1980): 178.

[47] As Rabbi Moshe Lichtenstein quipped, there can be a *Rosh Yeshivah* who is learned in *Sha"S* but not conversant in *Mekhilta*; however, there cannot be a *Rosh Yeshivah* who is an expert in *Mekhilta* but uneducated in *Sha"S*.

[48] Part of the spirit of *Talmud Torah* is to continue learning in the manner of previous generations.

[49] Shalom Carmy, "R. Yehiel Weinberg's Lecture on Academic Jewish Scholarship," *Tradition* 24/2 (Summer 1989): 20. R. Weinberg did not oppose the utilization of academic methodologies, and, in fact, evidence of his own use of these tools can be found in several of his responsa: what he opposed was the supplanting of traditional Torah learning with a purely academic approach.

This was Hirsch's ultimate charge against *Wissenschaft*, and it is similarly the ultimate contention of those opposing a *derekh limmud* that seeks to incorporate academic scholarship in Torah study.

Arguments favoring the integration of academic scholarship in Torah study

Whereas opponents of an integrated approach claim that the academic tools and methodologies it incorporates implicitly challenge students' *emunah* and undermine their commitment to halakhic observance, proponents of a synthesized *derekh limmud* assert that this type of approach to Torah study has the potential to achieve just the opposite. Rather than threatening students' belief in the sanctity and binding nature of the Oral Torah, rather than damaging their *emunat hakhamim* or weakening their commitment to *halakhah*, a *derekh limmud* that integrates academic scholarship into traditional Torah study has the capacity to bolster students' faith and halakhic commitment. The advantages of such an approach, by which it endeavors to achieve these goals, are its engagement with "real life" considerations in the development of *halakhah*, its scholarly integrity, as expressed in its concern for honest and accurate rendering of Torah texts, and its historical sensitivity which appeals to the modern intellect. Additionally, a synthesized *derekh limmud* expands the boundaries of *Talmud Torah* and builds upon the goals of this religious enterprise.

One of the foremost educational challenges that arises with regard to *Talmud Torah* in general (not the study of *halakhah le-maaseh*) is its ability to transmit religious ideals such as *yirat shamayim* and commitment to *kiyyum mitzvot*. What practical effect does the intellectual enterprise of *Talmud Torah* have on the religious lives of students? This question needs to be asked seriously of any *shitat limmud*, including that which we have been calling "traditional" yeshivah learning. Through

an examination of the successes and failures of the traditional approach in this realm, we will highlight a particular advantage of the proposed integrated approach.

As articulated by Hirsch, the advocates of "*limmud yeshivati*" dismiss academic scholarship for being unable to transmit what they call the "spirit" of *Talmud Torah*. Hirsch, as we have seen, credited this "spirit" of Torah with maintaining *Am Yisrael*'s commitment to a Torah lifestyle in the practical realm. But what specific element of traditional *limmud* is able to achieve that which its proponents claim is lacking in a more academic approach?

Among the critiques which have been leveled at the Brisker *derekh limmud*—which is, despite being pioneered by Rabbi Hayyim Soloveitchik of Brisk at the beginning of the nineteenth century, the "traditional" approach that is employed in most of the yeshivah world today—is, in fact, its detachment from the religious meaning behind the *halakhot* whose precise mechanics it probes with such rigor. As Mosheh Lichtenstein has recently observed,

> The Brisker transformation of the learning effort has been extremely successful in its goals of explaining the material world of applied *pesak halakhah*, but us has done so at the price of eliminating all speculation regarding the motivating forces behind the *halakhot*.[50]

The spiritual element of the Brisker *derekh* is the unspoken but pervasive *middat hayirah* on which the entire endeavor is predicated, a metaphysic that "deems it unnecessary for man to aspire to an understanding of why Halakhah has expressed itself in particular forms" because man's role in the world is to fulfill God's imperatives without questioning the meaning behind them.[51] The focus on legalistic examination of the *halakhah* and subsequent disregard for the factors that went into

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[50] MoshehLichtenstein, "'What' Hath Brisk Wrought: The Brisker *Derekh* Revisited," *The Torah U-Madda Journal* 9 (2000), 9.
[51] Lichtenstein, "'What' Hath Brisk Wrought," 10.

its development is precisely that which instills in the student a sense of religious obligation and, hopefully, commitment to observance.[52]

Critics of the academic approach claim that even when scholarship does not undermine a student's religious world, it does little to foster religious growth; if *yirat shamayim* happens to be the outcome of such learning, it is a coincidental by-product and not a direct corollary. If this is truly the case, then academic methodologies will remain forever *tafel* and educational questions such as the amount of time worth investing in the acquisition of historical-philological skills or devoting to the investigation of questions that are peripheral to the goal need to be considered seriously indeed.

However, there are serious weaknesses inherent in the spiritual framework that *limmud yeshivati* constructs for its students which have ramifications for their religious lives beyond the world of learning. The discrepancy between the formal-legal categories that are considered in learning and the social-psychological dynamics that are factored into "real-life" *halakhah* has the potential to create religious conflict for the student once he leaves the shelter of the *yeshivah*. The solution adopted by many former *yeshivah* students is to turn all *halakhot* into *hukim* whose reasoning is incomprehensible to the human mind, thereby limiting the spiritual substance of their religious lives to blind faith.[53] Furthermore, this sense of fundamental conflict between the realm of learning and the realm of applied *halakhah* engenders the conviction that the collective *yeshivah* experience cannot be translated or adapted to life in the "outside world." Formal-legal categories and talmudic logic which does not take human factors into account are not going to solve dilemmas about educating

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[52] See Chaim Navon, "A Response to my Critics" [Hebrew], *Akdamot* 9 (July 2000), 199.
[53] See Ephraim Oren, "Erudition, or Hollow Hair-Splitting? A Response to Chaim Navon" [Hebrew], *Akdamot* 9 (July 2000): 192. Perhaps this *hashkafa* is not so far from the Brisker metaphysic considered previously?

children or dealing with the neighbors. As a result, many former *yeshivah* students abandon the attempt to integrate their lives in the *yeshivah* with their lives outside it.[54]

An integrated historical approach to *Talmud Torah*, which broadens the spectrum of questions that may be asked and factors that may be taken into account beyond the narrow boundaries of formal-legal reasoning, has greater potential for allowing students to discern and explore connections between the printed page of the Talmud and their real-world interactions and halakhic observance. For students who question the applicability of halakhic practice to contemporary reality, an historical approach has the potential to deepen appreciation for both the richness and compelling authority of tradition by demonstrating that for two thousand years, halakhic Jews have been struggling with the same essential question: how to make ancient law meaningful to modern man. An historical approach is thus compelling to students who would otherwise become frustrated with the traditional world of *Talmud Torah* because of its perceived irrelevance to their lives, other than as an intellectual exercise. This argument posits that the historical approach not only matches "traditional" learning in its religious undertaking, but actually surpasses the religious force of "traditional" learning in directly addressing students' theological concerns and their religious development.

The advantages of this approach can be demonstrated for the *sugyot* in *Masekhet Pesahim* which explore the *mitzvot* of *leil ha-Seder*. Most people who have attended traditional *Pesah Sedarim* recognize that some of the evening's central rituals are outdated in their ability to convey the themes of slavery and freedom without the assistance of extended commentary. In fact, a thorough analysis of the layers of halakhic development reveals that it was similarly difficult for the Rishonim

[54] Ibid. Oren argues that it is not surprising, given this conflict, that *benei yeshivah* are seldom called upon by the community to deliberate "real-life" dilemmas. The perception abounds that *lamdanim* are attuned to legal considerations only and are not sensitive to practical circumstances.

and even for the Amoraim to find meaning in an elaborate ritual that was initially designed for a Temple-based society whose point of reference was the Roman world. The concept of reclining as an expression of freedom was as un-natural to Jews in the eleventh century as it is to Jews in the twenty-first. And yet, after debating the point and struggling in their search for meaning, Jews in the eleventh century held onto the tradition and strengthened its status as normative practice, just as we, as halakhic Jews in the twenty-first century, continue to do today. Thus, the historical approach has the potential to bolster tradition precisely because it acknowledges that modern man is not the first to question tradition's continued applicability.[55]

The scholarly integrity of a *derekh limmud* that incorporates academic methodologies is another feature of the integrated approach that can serve to augment students' respect for Torah and for *HaZaL* and, thus, to bolster their *emunah* as well as their commitment to the halakhic system. Proponents of an integrated approach argue that it is "truthful" *Talmud Torah* in its straightforward attempt to understand the meaning of the written text.[56] The fundamental goal of this historical approach is

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[55] Credit for this example goes to Rabbi Meir Lichtenstein, whose weekly Talmud *shiur* I have been attending through the Hevruta learning program for students of the Hebrew University of Jerusalem. The "historical" aspect of his *derekh limmud* does not focus so much on manuscript variants (although he does occasionally cite them) as on close analysis of the text of the gemara to determine its point of departure from the *peshat* of the Mishnah and other tannaitic sourse and on examining the Rishonim in terms of geographical and didactical spheres of influence

[56] One of the arguments advanced by the "traditionalists" is that an historical model, and specifically one which is concerned with authorial intent and "authentic" rendering of original texts, places too much emphasis on the humanity of the halakhic system and thus inherently undermines its divinely-inspired nature. In fact, the same charge could be leveled at the "traditionalists" themselves. By denying the value of scientific tools such as manuscript study, they are not only denying history as a relevant element in the halakhic process, but they are also unconsciously insisting on the preservation of human error that has crept into the tradition and denying the relevance of truth to *halakhah*. In summarizing the Hazon Ish's position on manuscript variants and their role in the halakhic world (which is perhaps the most extreme expression of the anti-academic stance), his student Rabbi Zvi A. Yehuda wrote: "This halakhic approach is antithetic to the scientific. It does not seek theoretical veracity of facts, but it provides for the coherence, integrity, sanity, applicability, durability, potency, and, above all, humanity of halakhah. Halakhah is rooted in human nature. It is humanly impossible to copy precisely, generation after generation, a nonexistent original, without any mistakes or slight changes. . . . Halakhah requires, thus, that we carefully copy only the prevalent, available, and approved text of the day, not an old and lost one. . . . Torah is not in heaven. Torah is within the reach of our human, natural resources and efforts. It is attainable. What is remote and inaccessible, what can

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to understand each individual layer of the halakhic discussion as it was composed—Rashi as Rashi, RaMBaM as RaMBaM, the Tosafot as the Tosafot, etc. This objective of "authentic," i.e. historically accurate, rendering of the text is no less applicable to the Mishnah or to the *gemara* than it is to any of the *Rishonim* or *Aharonim*.[57] As Yaakov Elman has argued with regard to the construction (or, more precisely, the deconstruction) of Talmudic *sugyot*, the assumption that the imperative of *emunat hakhamim* precludes any attempt to distinguish between layers of composition belies the interpretive activity of many *Rishonim*.[58]

Proponents of a *derekh limmud* that utilizes academic scholarship cite the pursuit of truth as a primary value and as a particular strength of their *derekh*. But surely anyone who engages in *Talmud Torah* seeks truth! How do we define *Torat Emet*? The traditional answer, which is still adopted in most *yeshivot*, is *masoret*: tradition is truth. In the academic world, science is truth. Proponents of an integrated approach to Torah study insist that truth is the reconciliation of the two, tradition and science. A believing Jew cannot accept the truth of science over *masoret*; however, an intellectually honest thinker cannot accept the truth of *masoret* to the exclusion of science. *Torat Emet* lies somewhere between the two. As Hildesheimer argued, the strength of an integrated approach, then, is that it allows (or perhaps forces) the individual to confront and to reconcile the two halves of his world.

The ultimate contention of those who advocate an integrated curriculum is that the time has come to develop a new *derekh limmud* that is consistent with current

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be approached only by extraordinary, ultranatural, or metaphysical means is beyond its scope." See Zvi A. Yehuda, "Hazon Ish on Textual Criticism and Halakhah," *Tradition* 18/2 (Summer 1980): 179.

[57] In this realm, the historical approach challenges the popular "Brisker" method of conceptual analysis— although one could, indeed, read a Brisker *hakirah* into a Tosafot or a RaMBaM, the Tosafot and the RaMBaM were not Briskers, and it is doubtful whether the resulting analysis was actually intended.

[58] Yaakov Elman, "Progressive *Derash* and Retrospective *Peshat*: Nonhalakhic Considerations in Talmud Torah," *Modern Scholarship in the Study of Torah: Contributions and Limitations* (Northvale, NJ: Jason Aronson Inc., 1996), 253. "In this, as in so many other matters, our instincts are more *frum* than the practice of the *Rishonim*."

modes of thought and definitions of truth. The RaMBaM was preoccupied with philosophical proofs of God's existence because he was the product of a medieval intellectual environment. The Brisker *shitah*, which hinges on precise definition and meticulous classification of principles, was popularized (in part) because it attracted students who had been influenced, consciously or unconsciously, by the intellectual trends of the Scientific Revolution.[59] In today's intellectual environment, which is characterized by historical consciousness, it is necessary to engage students by demonstrating that Torah stands up to their definitions of truth.[60] Menahem Kahane has stated forcefully:

> Our generation is one of knoweledge (*dor deah*), and even the yeshivah students have a critical way of thought engrained in their secular studies and daily lives. Disregard of this inclination with respect to their religious studies and the split personality that it engenders does not allow them to respond to the challenge of making Torah a living Torah (*Torat hayyim*), a goal to which they aspire, for their Torah is disconnected from their lives in their fullest sense. In the critical environment of our times, any Torah learning that totally disregards the literary-critical perspective will not be able to strive to understand *Torat emet* even on its own terms. One who closes himself to anything but Torah, out of hostility and estragement from anything related to science and scholarship (*hokhmah*), culture and enlightenment, impairs the understanding of Torah itself, whose own structure was influenced by these factors.[61]

Kahane argues that dogmatic restriction of *Talmud Torah* to dated *darkhei limmud* does not only make it difficult for students to translate *Torah* into their greater intellectual worlds but actually obscures the meaning of *Torah* itself:

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[59] See Lichtenstein, "'What' Hath Brisk Wrought," particularly 3–5, for an analysis of the commonalities between modern scientific thought and the Brisker *derekh*.

[60] Nachman Krochmal (1785–1840), whom many regard as the father of the Modern Orthodox response to *Wissenschaft*, recognized this shift in the title of his major philosophical work, *Moreh Nevukhei Ha-Zeman*. For Krochmal, "History connoted the essential and critical challenge to traditional faith. In evoking, for his major philosophical work, the Maimonidean title of a modern 'Guide for the Perplexed,' Krochmal underscored the need for a new synthesis—not between Torah and Greek philosophy but between Torah and historical criticism. . . . Krochmal's synthesis, in short, seeks to include historian and believer within a single model while accepting the integrity of both." See Steve Bayme, "Tradition or Modernity? A Review Essay," *Judaism* 42/1 (Winter 1993): 108.

[61] Menahem Kahane, "Talmud Research in the University and Traditional Learning in the Yeshivah" [Hebrew], *B'Hevlei Masoret U'Temurah*, Ed. Menahem Kahane (Rehovot, Israel: Kivunim, 1990),134. Translation mine.

> This artificial obstruction will create a screen between the light of the Talmud and the eyes of one who studies it, making it difficult for him to understand the simple meaning (*p'shat*) of the *sugyot* and their lessons, namely, their translation into his relevant world.[62]

Finally, in response to those who argue that the pursuit of academic scholarship is not and cannot be *Talmud Torah*, proponents of an integrated *derekh limmud* maintain that the utilization of academic tools and methodologies expands rather than contracts the boundaries of *Talmud Torah* and reveals an entirely new dimension of Torah study. Beyond the claims of Daniel Sperber, who insists that certain philological facets of academic scholarship are requisite to an authentic understanding of Talmudic *sugyot* and topics in *halakhah*, and Yaakov Elman, who maintains that an appreciation of historical and sociological context is imperative to an understanding of *peshat*, Shalom Carmy points out that academic scholarship which lends credibility to issues of linguistic and literary composition often addresses questions about form that arise naturally in the course of learning, and as such, has value both as an educational tool and as a tool for the pursuit of *Talmud Torah*.[63]

Acknowledging the contention that *Talmud Torah* is interested in non-Bavli material only in its capacity as a supplement to the authoritative tradition, Elman warns that reading all texts in light of the "normative *Torah she-be'al peh*," i.e. the Bavli, results in "missing many of the nuances of texts outside the Bavli, and the contribution to the pluralism of Torah," in addition to "[loosing] another element of

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[62] Ibid.

[63] See Sperber, "On the Legitimacy, or Indeed, the Necessity, of Scientific Disciplines for True 'Learning' of the Talmud,"; Elman "Progressive *Derash*"; and Carmy, "*Camino Real*," 189–91and 192–93. Carmy emphasizes that the traditional *yeshivah* world will not typically address these questions, much less provide satisfactory answers: "What are we to do with such questions? All things being equal, the student of Torah has good reason to want to know how the text he is learning attained its canonical form. . . . No room is provided for this interest, however, in the conventional *yeshivah* curriculum. The *yeshivah* scholar, following the *derekh ha-melekh*, the royal road of learning, has little patience for such matters. His eye is fastened on the content of the *sugyot*, not their form or composition."

peshat."[64] The penchant for "read[ing] traditional texts in light of the whole of tradition," he claims, results in the loss of "the flavor of each time and text," which limits the scope of *Talmud Torah*. Elman suggests that academic scholarship contributes to *Talmud Torah* precisely by recovering and examining that which did not become normative tradition:

> It is one of the functions of academic scholarship to reverse the process [of the unfolding of *Torah she-be'al peh*] and study its unfolding. This not only gives us deeper understanding of how we have arrived at where we are, but allows us to examine the options not chosen by *Klal Yisrael*. Some may be worthy of resurrection in the light of later circumstances and challenges; in other cases, we will understand even more clearly why the particular viewpoint was ignored or consigned to oblivion.[65]

In this way, too, an approach to Torah study that incorporates academic scholarship can be effective in convincing students of the efficacy of tradition.

Summary and Conclusion

In modern yeshivah day schools, Talmud and *halakhah* are generally taught in accordance with the traditional *yeshivah* approach to Torah study, utilizing the same tools and methodologies that students encounter if and when they enter the *yeshivah* world. Day schools educators are generally not more open to academic Torah study than their *yeshivah* faculty counterparts: many day school *limmudei kodesh* teachers are, in fact, products of that *yeshivah* environment and have assimilated its values and *hashkafot* which they attempt to transmit, albeit in a diluted form, to their high school students. The "relevance question," however, is even more pressing to high school students who are, on the whole, less committed to the *Talmud Torah* endeavor than *yeshivah* students and have not chosen to learn Torah of their own volition. As has been recognized with regard to *yeshivah* alumni, day school graduates are often

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[64] Elman, "Progressive *Derash*," 278.
[65] Elman, "Progressive *Derash*," 283.

similarly confounded when attempting to translate their *Talmud Torah* experience into the "real world." From this perspective, the goals and ramifications of a *derekh limmud* are even more critical to high school than to *yeshivah* students.

The religious objections and critiques that have been highlighted are substantial enough to merit serious consideration in any discussion of an integrated *derekh limmud*. Concern as to students' continued affirmation of *ikkarei ha-emunah* and *emunat hakhamim* is not unwarranted, nor is apprehension as to how this will affect their commitment to a halakhic lifestyle and their practical halakhic observance. Certainly the goals of *Talmud Torah* as a religious endeavor and the ability of a *derekh limmud* to convey the spirit of *Talmud Torah* need to be carefully weighed when considering a new approach to Torah study, particularly one which deviates from tradition in its tools and methodologies.

Practical limitations in the high school setting raise educational considerations in addition to the religious considerations delineated. The proposed learning approach would require *limmudei kodesh* teachers to have at least minimal background in academic, historical study in addition to a strong Torah background. It is highly improbable, therefore, that such a *derekh limmud* could be implemented *en masse* in the immediate future. In addition to teacher-training issues, there remains the question of the expense at which we may be focusing on the development of these skills in our students. In order for students to gain from this approach, it is imperative that they, in addition to their teachers, be trained in basic academic methodology; however, since the proposed *derekh* advocates the *synthesis* of traditional and academic approaches, it cannot be considered successful if students acquire academic

skills to the exclusion of classical *limmud* proficiency.[66] Lastly, the religious message conveyed by the proposed *derekh limmud* is a sophisticated one, and the question of age-appropriateness certainly needs to be addressed. The approach assumes a prior commitment to observance which is to be strengthened rather than shaken in the face of questioning and intellectual challenge. Can we rely on such a level of commitment to *kiyyum mitzvot* among Modern Orthodox high school students? In considering implementation, educators should certainly keep their audience in mind. Possibly, this approach will be most beneficial to older students of post-high school age who have already acquired a solid foundation in basic learning skills and, more importantly, are at a more advanced, if indeed more critical, stage of intellectual-religious development and lifestyle decision-making.

Despite all of the legitimate and warranted concerns, there is still a strong argument in favor of developing and implementing a *derekh limmud* that integrates academic scholarship and traditional Torah study. Rather than threatening students' belief in the sanctity and binding nature of the Oral Torah, rather than damaging their *emunat hakhamim* or weakening their commitment to *halakhah*, a *derekh limmud* that integrates academic scholarship into traditional Torah study has the capacity to bolster students' faith and halakhic commitment. By grappling with the role that "real life" considerations play in the development of *halakhah*, by maintaining a high level of scholarly integrity and endeavoring to reconcile conflicting definitions of truth, and by engaging students with an historical sensitivity that appeals to the modern intellect,

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[66] See Carmy, "*Camino Real*," 192: "Leaving aside the legitimacy and adequacy of the solutions offered by academic Talmud study, to which we shall return later, the major obstacle to the integration of modern scholarship and the *camino real* is the time and effort required to encompass a *sugya* from all angles. By the time the literary-historical aspects are properly covered, one is too overburdened and weary to progress from these preliminary inquiries to the conceptual analysis itself. Under present and foreseeable pedagogical constraints, this would rule out the combination of formal literary analysis and *lomdut* for the vast majority of students and teachers. Even the sophisticated few, I imagine, are unlikely to engage in such synthesis on a systematic, global scale, rather than on an eclectic basis."

an integrated *derekh limmud* indeed surpasses the religious force of "traditional learning" in directly addressing students' theological concerns and their religious development.

APPENDIX

Yehareg Ve-al Ya'avor: A Model Lesson

No single example can exhaustively demonstrate the strengths of an educational approach, but I hope that the following model will highlight some of the educational advantages of the derekh limmud *that this paper advocates. The* sugya *of* yehareg ve-al ya'avor, *which deals with the halakhic position on martyrdom, raises serious questions about the means whereby* halakhah *is developed and applied to changing realities. In its extreme form, the classic* limmud *approach would ignore the possibility of historical or sociological influences. Rather than avoiding the methodological and theological questions which arise in the course of learning, the educator can take advantage of this opportunity to argue for the integrity and contemporary relevance of the halakhic process.*

The following outline is not intended as a detailed lesson-plan for teaching the sugya *of* yehareg ve-al ya'avor *but rather as a presentation of the central sources with suggestions for addressing the theological and methodological issues that should be raised in the course of study.*

Sources

Sanhedrin 74a–75a
Yerushalmi Shevi'it 4:2
Berakhot 61b
Yerushalmi Sotah 5:5
RaMBaM, *Iggeret Ha-Shemad*
RaMBaM, *Mishneh Torah*, *Hilkhot Yesodei Ha-Torah* Chapter 5
Tosafot, *Avodah Zarah* 54a, s.v. "*Ha Be-Tsin'ah Ha Be-Farhesia*"
Tosafot, *Avodah Zarah* 18a, s.v. "*Ve-al yakhvol atsmo*"
Rabbi Aaron Ha-Kohen of Lunel, *Sefer Orhot Ha-Haim* Section 2, Chapter 4
Rabbenu Yonah, Sanhedrin 74b

There is no mention of "*yehareg ve-al ya'avor*," the Jewish rules governing martyrdom, in the either the Torah or the Mishnah. Although the concept of sanctifying God's name—*kiddush ha-Shem*—and its inverse, profaning God's name—*hillul ha-Shem*—are biblical in origin, their manifestations in rabbinic tradition introduce an entirely new element of observance. Whereas the biblical dictates apply primarily to living a sanctified life, the rabbinic dictates address the issue of martyrdom and dying in the name of God and religion. Judaism developed a model of martyrdom that was expected of every Jew who found himself in the requisite circumstances.

Sanhedrin 74a–75a

Summary: At the great rabbinical council of the second century in Lydda (Lod), *HaZaL* established Judaism's official rules governing martyrdom. According to the Talmud [Sanhedrin 74a], under normal circumstances, there are only three commandments for which a Jew must choose death over transgression (*yehareg ve-al ya'avor*): idolatry, sexual misconduct, and murder. With regard to all other commandments, the Talmud is firm in its ruling that martyrdom is not permitted and instructs the individual to transgress rather than be killed (*ya'avor ve-al yehareg*).[67] In the continuation of this discussion, however, the Talmud qualifies its statement, positing that the aforementioned rules apply only under "normal" circumstances and only when the required transgression is carried out in private. During times of religious persecution or when forced to transgress in public as a demonstration of apostasy, individuals are obligated to die a martyr's death rather than violate any

[67] In fact, one opinion in the Talmud suggests that even idolatry is included in this latter category of commandments which do not require martyrdom (under "normal" circumstances), so long as the required violation is carried out in private.

Jewish practice, even one which carries no legal weight, such as the wearing of a particular style of sandal straps.[68]

Points to raise: Why did martyrdom as an halakhic category merit the attention of the second-century rabbis although it had not been previously treated by the *halakhah*? Perhaps the second century sages in Lydda had the recent victims of the Hadrianic Persecutions in mind when they outlined the requirements and restrictions on martyrdom. It is hard to imagine that they were not also, on some level, responding to the early successes of the fledgling Christian religion which was making a name for itself through tales of individual faith and martyrdom.

Yerushalmi Shevi'it 4:2

Summary: In the Yerushalmi, the concept of *yehareg ve-al ya'avor* is introduced in the course of a *sugya* that discusses the response of the Jewish community in Israel when forced, on a national scale, to work during the *shemitah* year so that they would be able to pay property taxes. In citing the ruling of the tannaim at Lydda, the *gemara* seems to be primarily interested in justifying *la'avor*, the requirement to transgress (and not be killed) as long as the transgression does not involve one of the three cardinal sins.

Points to raise: While the Talmud Bavli in Sanhedrin treats the topic of martyrdom from the negative, *yehareg ve-al ya'avor* perspective, the Talmud Yerushalmi in Shevi'it addresses the same topic from the positive, *ya'avor ve-al yehareg* outlook. Why might the two traditions have addressed the topic from opposing perspectives? Does this fact in any way reflect historical circumstances?

Berakhot 61b, Yerushalmi Sotah 5:5

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[68] *Sanhedrin* 74a–b.

Summary: The well-known story of Rabbi Akiva being put to death at the hands of the Roman authorities is cited in several parallel sources in both the Talmud Bavli and in the Talmud Yerushalmi. One phrase which is central to the story in the Bavli—Rabbi Akiva's statement "*Amarti matai yavo le-yadi va-akaymenu*"—is missing from the Yerushalmi in Sotah and from many of the manuscript sources of both the Bavli and the Yerushalmi.[69] The addition of this phrase subtly shifts martyrdom from a commendable response to a religious aspiration.

Points to raise: Which version of the story is more likely to be the original? When might the addition or deletion have occurred? Shmuel Safrai suggests that the sentence was a later addition and reflects the shift toward a more idealistic stance on martyrdom.

Tosafot, *Avodah Zarah* 54a, s.v. "*Ha Be-Tsin'ah Ha Be-Farhesia*"

Tosafot, *Avodah Zarah* 18a, s.v. "*Ve-al yakhvol atsmo*"

Summary: The great Ashkenazic legal authorities of the Middle Ages, the Tosafot, seemed unable to accept the Talmud's lukewarm, qualified position on *kiddush ha-Shem*. In their commentary on *Avodah Zarah* 54a, where the possibility of permitting an individual to transgress the ban on idolatry in private is raised, the Tosafot expressed shock at such a suggestion, and declared it impossible. In their commentary on *Avodah Zarah* 18a, they reinterpreted the law so as to come out with strikingly unequivocal statements proscribing not only the willingness to be killed, but even active suicide.[70] *Avodah Zarah* 18a cites the tale of Rabbi Hananiah ben

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[69] See Shmuel Safrai, "Kiddush ha-Shem in the Thought of the Tannaim," *Tsiyon* 44 (1979): 36–38.

[70] The historical approach which I have chosen to adopt here has argued by Haym Soloveitchik and others. See, for example, Haym Soloveitchik, "Religious Law and Change: The Medieval Ashkenazic Example," *AJS Review* 12/2 (Fall 1987), especially 207–210. A dissenting interpretation has been promoted by Avraham Grossman, who does not believe that the tosafists would have ruled in clear contradiction to established legal norms. He prefers to focus on the unique status of *aggadah*, legend, among medieval Ashkenazic scholars (the intellectual predecessors of the primarily French tosafists), who often did not distinguish between those passages of the Talmud which were clearly legendary and those which were *halakhic*, or legal. If one gives legal weight to the legendary accounts, there is, he

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Teradyon's torturous death at the hands of the Roman authorities during the Hadrianic Persecutions. Rabbi Hananiah's students, watching him burn slowly and painfully, wrapped in a Torah scroll and sponges of wool, begged their teacher to open his mouth and swallow the flames so that he might speed up his death and end his sufferings. The sage refused, admonishing his followers that human life is meant be taken only by the One who has endowed it and that man may not inflict violence upon his own self. In his commentary on the passage, Rabbenu Tam (Rabbi Jacob ben Meir, d. 1171), foremost of all Tosafot, insisted on reversing this unambiguous ruling against suicide in the case of one forced to transgress a Torah prohibition:[71] Note particularly the use of the phrase "commanded to inflict violence," which flies in the face of all preexisting Talmudic norms. Even the Talmudic requirement to choose death rather than violate one of the three cardinal commandments obligates one only to submit to death, not to commit suicide.

Points to raise: The twelfth century—the era of the First and Second Crusades—was a crucial turning point in the evolution of Jewish attitudes toward martyrdom. Shocked by the sudden onslaught of violent religious coercion, the Jewish communities of France and Germany, when faced with the choice between baptism and the sword, chose the sword. The astonishingly widespread acceptance of death over conversion—and death by one's own hand rather than death at the hands of the

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claims, enough material in the Talmud to support an understanding of *kiddush HaShem* as active suicide in times of persecution, the way the communities of 1096 chose to do. See A. Grossman, "The Roots of Sanctification of the Name in Early Ashkenaz," [Hebrew] in *The Sanctity of Life and Self-Sacrifice*, ed. Y. Gafni and A. Ravitsky (Jerusalem: Merkaz Zalman Shezer L'Toldot Yisrael, 1992), especially 105–09. See also idem, "The Cultural and Social Background of Jewish Martyrdom in Germany in 1096," in *Juden und Christen zur Zeit der Keruzzüge*, ed. Alfred Haverkamp (Sigmaringen, Germany: Jan Thorbecke Verlag, 1999), 80–81.

[71] Rabbi Hananiah ben Teradyon was killed by the Romans for continuing to teach Torah in defiance of their decree prohibiting this activity; however, although teaching Torah is a positive commandment, one who refrains from carrying out a positive commandment is not considered to be in the same legal category as one who actively transgresses a negative prohibition, such as the ban on idolatry.

enemy—left the pious Jewish communities of Ashkenaz, in the aftermath of the Crusades, in desperate need of religious justification.

It would seem that Ashkenaz Jewry reshaped the very essence of the *kiddush haShem* concept: whereas in Talmudic literature, *kiddush haShem* is used almost universally to denote one who submits passively to persecutors as an expression of absolute loyalty to his or her faith, in the post-Crusade literature of Ashkenaz, the concept is used primarily to denote the activities of one who actively sacrifices not only his or her own life, but also the lives of his or her family and community members.[72]

Were the Tosafot aware of their breach in interpretation of the halakhic sources? How did they justify their re-reading of the *gemara*? Consider the comments of Rabbi Aaron Ha-Kohen of Lunel [***Sefer Orhot Ha-Haim* Section 2, Chapter 4**] who reports that there was an ongoing dispute in Ashkenaz regarding the permissibility of suicide in a *yehareg ve-al ya'avor* situation. Rabbi Aaron claims that some *Rishonim* justified suicide as an halakhic option on the basis of a *midrash halakhah* cited in *Bereishit Rabbah* [*Seder Noah*, *Parshah* 34, 13:5]. How does this source change our perspective on Tosafot's interpretive activities?

RaMBaM, *Iggeret Ha-Shemad*

Summary: The tosafists' reinterpretation of Talmudic law and justification of the extreme acts of their fellow Ashkenazim was not readily accepted by many of their

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[72] Haym Soloveitchik attributes such radical reinterpretation to the unique religious mentality of Ashkenaz Jewry in the wake of the Crusades: "What had taken place was that law and logic had led men to an emotionally intolerable conclusion, one which denied their deepest religious intuitions, and so the law was reinterpreted. . . . The Franco-German community was permeated by a profound sense of its own religiosity, of the rightness of its traditions, and could not imagine any sharp difference between its practices and the law which its members studied and observed with such devotion." Avraham Grossman, on the other hand, argues that the martyrdom ideal embraced by the survivors of the First Crusade was not quite so aberrant, pointing to the martyrological interests of earlier tenth through eleventh century Ashkenazic Jewry. He concedes, however, that prior to 1096, martyrdom was adopted only by individuals and that the communal phenomenon experienced during the First Crusade and idealized by later generations had no precedent in the Middle Ages. See Grossman, "The Roots of Sanctification" and "The Cultural and Social Background," 73–74.

co-religionists in other geographical locales: a figure no less prominent than Maimonides was a vocal dissenter.[73] The Jews of Spain, or Sefarad, when faced with similar circumstances, chose, on the whole, to outwardly convert and secretly remain faithful to their true religion. The martyrdom of the German communities was as repugnant to Spanish Jewry as was the conversion option to the former. This theological dispute was not overlooked, nor did it disappear, and for centuries afterwards, it was the source of much bitterness between the groups.

In *Iggeret Ha-Shemad*, the RaMBaM addressed a particular Moroccan community facing religious persecution at the hands of the Almohads who desired to convert them to Islam. Vocally opposing a certain rabbinic figure who had instructed this community to chose martyrdom rather than profess belief in Islam, the RaMBaM argued that although an individual who did submit to the sword under such circumstances would be performing an act of *kiddush ha-Shem*, the *halakhah* would, in fact, dictate against such an act.

Points to raise: Into what genre of halakhic writing do we place *Iggeret Ha-Shemad*? *Iggeret Ha-Shemad* is not exactly a responsum (*ShUT*), but it was addressed to a particular community facing a particular situation.[74] How objective is this type of *pesak halakhah*? Is it applicable to different communities facing different situations? What is the status of *Iggeret Ha-Shemad* in the halakhic corpus? Compare *Iggeret Ha-Shemad* to the RaMBaM's *pesak* in the presumably objective, detached *Mishneh Torah* [*Hilkhot Yesodei Ha-Torah*, Chapter 5].

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[73] See his "Epistle on Martyrdom" in Abraham Halkin and David Hartman, ed., *Epistles of Maimonides: Crisis and Leadership* (Philadephia: Jewish Publication Society, 1985), 13–45.

[74] See the debate between Haym Soloveitchik, who claims that *Iggeret Ha-Shemad* is a form of polemic rather than a genuine, halakhic argument and David Hartman, who maintains that the *Iggeret* is, in fact, a halakhic responsum. *Crisis and Leadership: Epistles of Maimonides*, Texts Translated and Notes by Abraham Halkin, Discussions by David Hartman (Philadelphia: Jewish Publication Society of America, 1985).

Consider RaMBaM's selective citation of aggadic material. For example, he recounts the stories from *Avodah Zarah* that deal with Rabbi Eliezer and Rabbi Meir's evasion of the Roman authorities by making ambiguous statements and pretending to commit serious transgressions of *halakhah*. He neglects to recount the story of Hananiah ben Teradyon's martyrdom, which appears in the same *sugya*.[75] How is *aggadeta* used in the context of *pesak halakhah*? Is selective citation of non-halakhic material from the Talmud a violation of integrity?

Rabbenu Yonah, Sanhedrin 74b

Summary: In his commentary on Sanhedrin 74b, the central *sugya* of *yehareg ve-al ya'avor*, Rabbenu Yonah (c. 1200–1263) notes that there is aggadic material which presents suicide as a means of avoiding the violation of *yehareg ve-al ya'avor*. However, he dismisses the *aggadah* as irrelevant to the halakhic discussion at hand, asserting that there is no halakhic source anywhere in the Talmud that would substantiate such *pesak*. Additionally, he claims that the story told must be a miracle-tale since even in the realm of *aggadah*, it is impossible to imagine that the Talmud would sanction active suicide.

Points to raise: How does the genre of Rabbenu Yonah's halakhic commentary differ from the RaMBaM's? Does this distinction affect the reliability, or applicability of his *pesak halakhah*? How does his style (in addition to his *pesak*) contrast with that of Tosafot?

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[75] Hartman, *Crisis and Leadership*, 54–55.

Concern: Did *HaZaL* just "make it up"? *Yehareg ve-al ya'avor* is not discussed in the Torah or in the Mishnah; active suicide is not sanctioned by the halakhic sections of the gemara. Did the rabbis just create these concepts without any precedent?

Opportunity: The evolution of *yehareg ve-al ya'avor* as an halakhic category is an example of how *halakhah* develops in response to challenges presented by different situations. The rabbis didn't just "make up" new *halakhot* without regard for precedent; rather, specific challenges forced the rabbis to reinterpret existing *halakhah* in creative ways. In each case, no matter how creative their reinterpretation, the rabbis "played by the rules" and demonstrated loyalty to the halakhic process. The arguments advanced were all argued on a halakhic basis.

Concern: What happened to the integrity of *pesak halakhah*? Rabbenu Yonah's approach is the way we would expect *halakhah* to develop: as an objective reading of *sugyot* in the *gemara*. How are we to accept the RaMBaM and the Tosafot's *psak halakhah* when it is clear that they had an "agenda" in their reading of the sources?

Opportunity: Rabbis are not supposed to be detached from the needs and concerns of the community; *pesak halakhah* is supposed to respond to reality. *Masoret* is composed of both detached analysis of text as well as response to specific concerns.

Concern: Why do the halakhic rulings of the Tosafot, which were written in response to a particular historical reality (e.g. the Crusades), pertain to me?

Opportunity: The RaMBaM and Tosafot have become part of the *masoret*, and we have to consider their rulings when determining the applicability of specific *halakhot* today. Just as Tosafot considered *halakhah* that was developed in the pagan, Roman world when determining the application of *yehareg ve-al ya'avor* to the Christian

world, so too, we today continue to grapple with *halakhah* that was developed in response to the Crusades.

Concern: Students may not have previously encountered conflicting textual variants and the recognition that there were additions to and deletions from canonical texts may challenge their faith in the authenticity of the Talmud. Should this fact, which would not necessarily come up in the course of learning, be raised in the classroom?

Opportunity: This is occasion to discuss issues of scholarly integrity and to grapple with the concept of *Torat Emet*. Students will likely be exposed to textual-critical scholarship at some point in the course of their higher education. In keeping with the Hildesheimer model, we believe that it is possible to reconcile *masoret* truth with scientific truth and that students' struggles to arrive at such reconciliation should be dealt with in the context of a Torah institution, where they can be assisted and guided along the way.

Afterword

Few projects end up accomplishing all of the goals they set out to achieve, and this paper has been no exception. Although I intended to survey educators in the field and to observe the implementation of similar *darkhei limmud* in the classroom, I never quite achieved that goal and instead spent most of my time considering the theoretical aspects of the educational approach I envisioned. Were I to continue pursuing this research project, implementation of the theoretical would be my next focus.

In addition, the theoretical issues that I did explore raised several more that I was not able to address fully in the context of this project but that are certainly worthy of consideration. Is our goal in teaching Torah to convince students that Torah is truth? When we say that Torah is eternal, do we mean that Torah is above time (i.e. that the Torah discourse is a-temporal) or do we mean that Torah lives forever (i.e. "*be-hol dor va-dor*" Jewish people grapple with living a Torah life)? What is *halakhah*'s relationship to time (timeless, time-bound, a product of time)? How can we best convey to students that they are part of an ongoing tradition: by presenting Torah as a-temporal or by presenting Torah as a product of history?

Initially having conceived of my ATID project as related to the study of Jewish history, I thought that my research was in a class of its own; it did not occur to me that my project was related to any of the other ATID research being pursued. Only at the end of the year, in the course of listening to other fellows present their work, did I realize that, in fact, several of us had chosen to explore the same educational question, albeit from different angles: how can we as educators answer our students' demand for relevance? Or, how can we successfully convince students that ancient texts have meaning, *relevance*, to their contemporary lives? In this paper, I have attempted to present one possible solution: the development of a new approach

to Torah study that utilizes academic tools and methodologies as well as traditional *klei limmud*.

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